

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:10-cv-03976-JHN-PJWx	Date	April 19, 2011
Title	John Perry v. Hunt & Henriques		

Present: The Honorable	Jacqueline H. Nguyen, United States District Judge		
Chris Silva for Alicia Mamer	N/A	N/A	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys for Plaintiffs:	Attorneys for Defendants:		
James David Pacitti Ryan S Lee	Tomio B Narita Arvin Cero Lugay		

Proceedings: (IN CHAMBERS) ORDER GRANTING MOTION TO DISMISS [21]

The matter is before the Court on Plaintiff John Perry's Motion to Dismiss ("Motion") with Prejudice. (Docket no. 21.) Defendants filed an Opposition. (Docket no. 22.) Plaintiff filed a Reply. (Docket no. 26.) The Court has reviewed the pleadings filed and deems the matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78. Accordingly, the hearing currently set for May 2, 2011 is vacated.

Plaintiff moves for dismissal under Rule 41 of the Federal Rules of Civil Procedure, which allows for dismissal on request by Plaintiff "on terms that the Court considers proper." Fed. R. Civ. P. 41(a)(2). Although styled as an Opposition, Defendant's response to the Motion indicates that Defendant "does not oppose dismissal with prejudice of plaintiff John Perry's ("Perry") action." (Opp'n at 2:3-4.) Defendant instead indicates that it will seek sanctions to recover attorney's fees and costs incurred to defend this action. Since Defendant's request for sanctions is the subject of a separately filed motion (see docket no. 23), set to be heard on May 19, 2011, the Court does not address the issue of sanctions here.

Accordingly, the Court grants Plaintiff's unopposed Motion to Dismiss and the action is **DISMISSED WITH PREJUDICE.**

IT IS SO ORDERED.

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